

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**JUNE 3, 2004**

The Tobacco Control Board met on Thursday, June 3, 2004, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 7 - board members present – Dr. Neal Beaton, Mr. Mark Carter, Mr. John Hauge, Mr. Gene McKissic, Mr. Ken Milburn, Jr., Mr. Vince Macy, and Mr. Ron Rivers, and 1- Board member absent – Dr. Cliff Johnson.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced Mr. Charlie Moulton, serving as Hearing Officer, and Ms. Lydia Williams, as Court Reporter. Mr. Milburn turned the meeting over to Mr. Moulton to conduct the Disciplinary Hearing segment of the meeting. Mr. Moulton called the following cases before the Board:

### **Default Judgment List dated 6/3/04**

Attorney for the Board, Mr. Roland Darrow read the Default List off with no one in attendance.

A motion was made and approved to find those listed in default, issue a maximum penalty on all Sales to Minors cases, and levy the recommended fines on all other cases with 7 – Yes votes and 1 – Member absent.

<b>Case #2004-961</b>	<b>Exxon Tiger Mart</b>	<b>Batesville, AR</b>
<b>Case #2004-1256</b>	<b>Exxon Tiger Mart</b>	<b>Batesville, AR</b>
<b>Mr. Jim Wooten, Owner</b>		

**VIOLATIONS:**

Case #2004-961	§5-27-227(a)(1)	Sale to Minor, 2 <sup>nd</sup> Offense, \$200 fine and 1-day suspension of permit.
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Case #2004-1256	§5-27-227(a)(1)	Sale to Minor, 3 <sup>rd</sup> Offense, \$400 fine and 2-day suspension of permit.
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These cases were combined and treated as one case since it was the same violation and occurred at the same store.

The business was represented by Mr. Jim Wooten, owner.

After testimony and discussion a motion was made to find Tiger Mart in violation of §5-27-227(a)(1), levy a \$600 fine and wave suspension of permit. The motion was withdrawn.

A second motion was made and approved to find Tiger Mart in violation of §5-27-227(a)(1), issue a \$300 fine without a suspension of permit for Case #2004-961 and levy the same for Case #2004-1256 with 6 – Yes votes, 1 – No vote, and 1 – Member absent.

**Case 2004-1054                      Mad Jack Stores, Inc.                      Cabot, AR**  
**June and Ron Madding, owners**

VIOLETION:                      §5-27-227(a)(1) Sale to Minor, 2<sup>nd</sup> Offense, \$200  
fine, and 1-day suspension.

Mr. Ron Madding, represented the store.

After hearing the facts of the case and board member discussion a motion was made and approved to find Mad Jack Stores in violation of §5-27-227(a)(1), levy a \$200 fine, and no 1-day suspension of permit with 6 – Yes votes, 1- Abstention, and 1-Member absent.

**Case #2004-959                      Locust Grove Grocery   Locust Grove, AR**  
**Mr. Chad Conder, co-owner**  
**Mrs. Amy Beth Anderson, co-owner**

VIOLETIONS:                      §5-27-227(a)(1) Sale to Minor, 2<sup>nd</sup> Offense, \$200 fine  
1 – day suspension of permit.  
Rules & Regulation 4.1 No Server  
Awareness forms on the premises,  
\$100 fine.

The business was represented by Mr. Chad Conder and Mrs. Amy Beth Anderson, co-owners.

After testimony by all parties and discussion a motion was made to find Locust Grove Grocery in violation of §5-227-(a)(1) and in violation of Rules & Regulation 4.1, and accept the recommendation of the Director with 4 – Yes votes, 3 – No votes, and 1 – Member absent. The motion failed.

A second motion was made to find Locust Grove Grocery in violation of §5-27-227(a)(1) and Rules & Regulation 4.1, levy a \$200 fine on §5-27-227(a)(1) and a \$100 fine for Rules & Regulation 4.1, and wave the 1-day suspension of permit with 4 – Yes votes, 3 – No votes, and 1 – Member absent. The motion failed.

A third motion was made and approved to find Locust Grove Grocery in violation of Rules & Regulation 4.1 and not issue a fine at this time, and they are to provide proof of having Server Awareness forms to the agency office with 7 – Yes votes, and 1 – Member absent.

A fourth motion was made and approved to find Locust Grove Grocery in violation of §5-27-227(a)(1) and impose a fine of \$350 and wave the suspension of permit with 7 – Yes votes and 1 – Member absent.

**CASE #2004-1010**  
**Dennis Bailey, owner**

**Bailey's Bottle Shop**

**Fordyce, AR**

VIOLATION: §26-57-226 Selling without a permit, \$250 fine

Mr. Dennis Bailey requested a Hearing, but did not appear before the Board and did not have anyone else present to represent the business.

Evidence was presented to the Board concerning this Case. After discussion a motion was made and approved to find Bailey's Bottle Shop in violation of §26-57-226 and levy a fine of \$500 for selling without a permit with 7 – Yes votes and 1 – Member absent.

**CASE#2004-625  
Tim Morris, Owner**

**T&P Distributing**

**Blytheville**

<b>VIOLATION:</b>	§5-27-227(a)(1) Rules & Regulation 4.1	Sale to Minor, Warning No Server Awareness forms, \$100 fine
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Even though a Hearing was requested, no one was present to represent the business.

All testimony was presented and considered by the Board. A motion was made and approved to find T&P Distributing in violation and accept the recommendation of Council to issue a Warning for §5-27-227(a)(1) and a \$100 fine for Rules & Regulation 4.1 with 7 – Yes votes and 1 – Member absent.

The Disciplinary Hearing was concluded and Mr. Moulton turned the meeting back over to the Chairman, Mr. Ken Milburn, who asked for approval of the May 6, 2004, board meeting minutes. Approval was given with 7 – Yes votes and 1 – Member absent.

The Director, Mr. Charlie Davis, continued by presenting a list of New Retail Permit Applications and asked for approval of “New Retail Permit applications issued from May 6, 2004, through June 2, 2004”. A motion was made and approved to that effect with 7 – Yes votes and 1 – Member absent.

Next Mr. Davis reviewed and asked for a blanket approval of the “Offers of Settlement accepted by the permittee from May 6, 2004, through June 3, 2004”. A motion was made and approved to accept the “Offers of Settlement accepted by the Permittee from May 6, 2004, through June 3, 2004”, as recommended by the Director, with 7 – Yes votes and 1 – Member absent.

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The Chairman asked the Director to continue with his "Address to the Board". He reviewed the May 2004 Complaint Reports.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to review the activity of the enforcement agents. He also reported the Sales to Minors financial records were audited by the Department of Health, with everything in good order.

Mr. Arnie Jochums, Attorney for the Board, gave a "Court Update".

Mr. John Hauge brought the Board up to date on the Collaborative Legislative Group meeting that was held on Wednesday, June 2, 2004, at 1:00 p.m. A committee was formed to address legislation issues of the Board and he asked Mr. Walter Skelton to act as Chairman of this committee. The next meeting dates were set to be held on Wednesday, June 30, 2004, and Wednesday, August 4, 2004, beginning at 1:00 p.m. in Conference Room "C" of the Main Street Mall building.

Mr. Milburn then opened the floor to "Board Member Discussion" followed by "Comments from the Audience".

Announcements included the next meeting date of July 1, 2004.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by \_\_\_\_\_  
Janis L. Campbell

June 9, 2004

